

UNITED STATES PATENT & TRADEMARK OFFICE

Examiner: WANG, Shengjun Art Unit: 1617

Applicants: ANDERSON, David

Serial No.: 10/788,413

Filed: March 1, 2004

For: **TREATMENT USING DANTROLENE**

Confirmation No.: 4972

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 22, 2008

Sir:

Further to the Information Disclosure Statement submitted on December 12, 2008 and pursuant to M.P.E.P. §609 and 37 C.F.R. §§1.56 and 1.97-1.99, Applicants herewith submit Form PTO/SB/08a which lists a reference of which Applicants are aware for the present application.

It is noted that Applicants have not enclosed a copy of the U.S. patent cited on Form PTO/SB/08a.

This submission does not represent that a search has been made or that no better art exists. While the term "references" is used in citing the documents called to the Examiner's attention herein, Applicants do not make any admission that each or all of them are "prior art" references within the meaning of the statutory and case law.

Applicants reserve the right to contend, where appropriate, that a reference asserted against any claim of the present application is not prior art under the facts and the law.

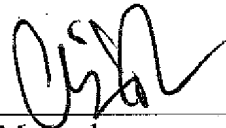
Applicants also reserve the right to present appropriate arguments and/or evidence to establish patentability over the references, should one or more of the references be applied against the claims of the present application.

Applicants request that the Examiner independently determine those items which the Examiner would consider the most pertinent of all the references cited herein.

The information disclosure statement is being submitted before the mailing of any of a final action under § 1.13, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application. The \$180.00 fee set forth in 37 C.F.R. 1.17(p) is being paid concurrently herewith. No further fees are believed due. If it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to deposit account 02-2275. Accordingly, this document complies with the requirements of 37 C.F.R. Section 1.97(6). It is respectfully requested that the reference cited in the enclosed Form PTO/SB/08a be considered and made of record.

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this document is being electronically transmitted to the Commissioner for Patents via EFS-Web on December 22, 2008.

LUCAS & MERCANTI, LLP

BY: 

Heather J. Kong